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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/739,888	12/17/2003	Greg Wilbur	10360-106001 / 16551ROUS0	9713
27820	7590	06/05/2006	EXAMINER SAEED, USMAAN	
WITHROW & TERRANOVA, P.L.L.C. P.O. BOX 1287 CARY, NC 27512			ART UNIT 2166	PAPER NUMBER

DATE MAILED: 06/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/739,888	WILBUR ET AL.	
	Examiner	Art Unit	
	Usmaan Saeed	2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-22 are pending in this office action.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 11-22 are rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. The language of the claims raises a question as to whether the claims are directed merely to an environment or machine which would result in a practical application producing a concrete useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

Claims 11-16 are rejected because they appear to be program per se. These claims are rejected because applicant's disclosure discloses both tangible (e.g., in a machine-readable storage device) and non-tangible (e.g., a propagated signal) embodiments.

Claims 17-22 are rejected because they refer to a system and the system does not have any type of hardware i.e. memory or a processor for any functionality to be realized. As such, it is believed that the system of these claims is directed to non-statutory subject matter.

To expedite a complete examination of the instant application the claims rejected under U.S.C. 101 (nonstatutory) above are further rejected as set forth below in anticipation of application amending these claims to place them within the four categories of invention.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-4, 11, 13-14, 17 and 19-20 are rejected under 35 U.S.C. 102(e) as being anticipated by **Nixon et al. (Nixon hereinafter)** (US PGPub No. 2003/0004952).

With respect to claim 1, **Nixon teaches a method comprising:**

“receiving user-input configuration changes to a configuration file” as the configuration application may also enable a user to add new devices, software elements or other elements to the system, provide new communications between devices within

the system, change already existing elements within the system, etc. to thereby reconfigure the process control system 10 (**Nixon** Paragraph 0033).

“tracking the configuration changes in multiple independent edit views” as user at a site or zone are more likely to view, use and change the configuration data of that site or zone rather than of a different site or zone (**Nixon** Paragraph 0067). Figure 4 displays the briefcase databases 142 at a local site or zone. Examiner interprets the briefcase databases as multiple independent views having configuration changes at that independent/local site.

“updating an active edit view to include configuration changes of a single independent edit view” as changed data can be uploaded to the master configuration database 30 via the communication link 16 to assure that other users have access to the changed data via the master configuration database 30 (**Nixon** Paragraph 0040). Examiner interprets that configuration/master database is same as active edit view since active edit view is stored in configuration/master database to store the changes. The changed data is being uploaded from the changes made in the briefcase database.

“updating a configuration database that stores the configuration file, according to the configuration changes in the active edit view” as changed data can be uploaded to the master configuration database 30 via the communication link 16 to assure that other users have access to the changed data via the master configuration database 30 (**Nixon** Paragraph 0040).

Claims 11 and 17 are same as claim 1 except they set forth the claimed invention as a computer program product and a system and are rejected for the same reasons as applied hereinabove.

With respect to claim 3, **Nixon** teaches “**the method of claim 1 further comprising updating other independent edit views based on changes in the active edit view**” as in an event, the different sites 135 and 136 download some or all of the same configuration information from the master configuration database 132 to the briefcase databases 142. However, the users at the different remote sites 135 and 136 may reserve separate items to be changed (**Nixon** Paragraph 0054).

Claims 13 and 19 are same as claim 3 except they set forth the claimed invention as a computer program product and a system and are rejected for the same reasons as applied hereinabove.

With respect to claim 4, **Nixon** teaches “**the method of claim 1 further comprising generating a list of changes to the configuration file in the configuration database based on the updating of the configuration database**” as the notify thread 220 detects changes made in the database 203 and, in particular, detects changes made to the data stores 210 and 212 for which lightweights have been created by checking the status of a change list 244 kept within the database 203 (**Nixon** Paragraph 0098).

Claims 14 and 20 are same as claim 4 except they set forth the claimed invention as a computer program product and a system and are rejected for the same reasons as applied hereinabove.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 5-10, 15-16 and 21-22 are rejected under 35 U.S.C 103(a) as being unpatentable over **Nixon et al.** (US PGPub No. 2003/0004952) as applied to claims 1,

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3-4, 11, 13-14, 17 and 19-20 above in view of **Souder et al.** (**Souder** hereinafter) (U.S. Patent No. 6,889,231).

With respect to claim 5 & 6 **Nixon** does not explicitly teach “**the method of claim 4 further comprising identifying a conflict between an independent edit view and the list of changes**” and “**the method of claim 5 wherein a conflict includes a modification to an element included in both the list of changes and the independent edit view.**”

However, **Souder** discloses “**the method of claim 4 further comprising identifying a conflict between an independent edit view and the list of changes**” and “**the method of claim 5 wherein a conflict includes a modification to an element included in both the list of changes and the independent edit view**” as typically, a conflict results when the same row in the source database and destination database is changed at approximately the same time (**Souder** Col 13, Lines 34-36). Examiner interprets source database as an independent view and the destination database as containing list of changes. Therefore the reference teaches that the conflicts are caused by a modification/change to both source database/independent view and destination database/list of changes.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because **Souder’s** teaching would have allowed **Nixon** to share the information between two

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different databases and resolve any errors by performing automatic conflict detection, resolution and performing transformations.

Claims 15 and 21 are same as claim 5 except they set forth the claimed invention as a computer program product and a system and are rejected for the same reasons as applied hereinabove.

- With respect to claim 7, **Nixon** does not explicitly teaches “**the method of claim 5 further comprising resolving the conflict between the independent edit view and the list of changes.**”

However, **Souder** discloses “**the method of claim 5 further comprising resolving the conflict between the independent edit view and the list of changes**” as using these prebuilt handlers, users can define a conflict resolution system for each of the user’s databases that resolves conflicts in accordance with user-specified business rules (**Souder** Col 13, Lines 40-43).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because **Souder’s** teaching would have allowed **Nixon** to share the information between two different databases and resolve any errors by performing automatic conflict detection, resolution and performing transformations.

Claims 16 and 22 are same as claim 7 except they set forth the claimed invention as a computer program product and a system and are rejected for the same reasons as applied hereinabove.

With respect to claim 8, **Nixon** teaches “**updating the independent edit view based on the active edit view such that the independent edit view includes the changes to the configuration database**” as in an event, the different sites 135 and 136 download some or all of the same configuration information from the master configuration database 132 to the briefcase databases 142. However, the users at the different remote sites 135 and 136 may reserve separate items to be changed (**Nixon** Paragraph 0054).

Nixon teaches the elements of claim 8 as noted above but does not explicitly disclose the step of “**resolving the conflicts.**”

However, **Souder** discloses “**resolving the conflicts**” as using these prebuilt handlers, users can define a conflict resolution system for each of the user's databases that resolves conflicts in accordance with user-specified business rules (**Souder** Col 13, Lines 40-43).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because **Souder's** teaching would have allowed **Nixon** to share the information between two different databases and resolve any errors by performing automatic conflict detection, resolution and performing transformations.

With respect to claim 9, **Nixon** teaches “**applying a different independent edit view to the active edit view**” as fig. 6 is able to access the configuration data stored in any of the different configuration databases to produce a view of the current configuration (**Nixon** Paragraph 0067).

Nixon teaches the elements of claim 9 as noted above but does not explicitly disclose the step of “**resolving the conflict includes discarding the changes.**”

However, **Souder** discloses, “**resolving the conflict includes discarding the changes**” as if a conflict handler can resolve the conflict, then it either applies the LCR or it discards the change in the LCR (**Souder** Col 23, Lines 65-66).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because **Souder's** teaching would have allowed **Nixon** to share the information between two different databases and resolve any errors by performing automatic conflict detection, resolution and performing transformations.

With respect to claim 10, **Nixon** does not explicitly teaches “**the method of claim 7 wherein resolving the conflict includes resolving multiple conflicts on an individual basis.**”

However, **Souder** discloses “**the method of claim 7 wherein resolving the conflict includes resolving multiple conflicts on an individual basis**” as if users

have a unique situation that the prebuilt conflict resolution handlers cannot resolve, then users can build custom conflict resolution handlers (**Souder** Col 13, Lines 43-46).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because **Souder's** teaching would have allowed **Nixon** to share the information between two different databases and resolve any errors according to what a particular user wants by performing automatic conflict detection, resolution and performing transformations.

5. Claims 2, 12 and 18 are rejected under 35 U.S.C 103(a) as being unpatentable over **Nixon et al.** (US PGPub No. 2003/0004952) as applied to claims 1, 3-4, 11, 13-14, 17 and 19-20 above in view of **Hester et al.** (**Hester** hereinafter) (U.S. Patent No. 5,884,075).

With respect to claim 2, **Nixon** does not explicitly teach “**the method of claim 1 further comprising checking the syntax and semantics of the active edit view before updating the configuration database.**”

However, **Hester** discloses “**the method of claim 1 further comprising checking the syntax and semantics of the active edit view before updating the configuration database**” as the first pattern used to get the first configuration consists of wild cards. That is, the CRE asks a device for the first resource combination, without imposing constraints. The configuration's first resource type is then checked for conflict. If none exists, the pattern is updated. The CRE requests the next resource combination

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by fetching the next resource combination. When the current resource type to be checked conflicts, the exclude mask is updated. The CRE first fetches the next resource combination that avoids the conflicting resource. When no more valid resource combinations are obtained, the device cannot configure without other devices reconfiguring; a conflict must be resolved (**Hester** Col 8, Lines 20-31). Therefore this reference is checking for the conflicts in resource configuration/syntax and semantics.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because **Hester's** teaching would have allowed **Nixon** to resolve conflicts by excluding or including devices, which arise conflicts by the addition of a new or unconfigured device to a computer system having one or more system resources.

Claims 12 and 18 are same as claim 2 except they set forth the claimed invention as a computer program product and a system and are rejected for the same reasons as applied hereinabove.

Conclusion

6. The prior art made of record and not replied upon is considered pertinent to applicant's disclosure is listed on 892 form.

Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Usmaan Saeed whose telephone number is (571)272-4046. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571)272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Usmaan Saeed
Patent Examiner
Art Unit: 2166



Leslie Wong
Primary Examiner

US
May 24, 2006